

## Department of State

614.406-4

for contracts to be awarded or performed overseas.

[53 FR 26168, July 11, 1988, as amended at 59 FR 66758, Dec. 28, 1994]

### Subpart 614.4—Opening of Bids and Award of Contract

#### 614.402 Opening of bids.

##### 614.402-1 Unclassified bids.

After the unclassified bids have been opened pursuant to FAR 14.402-1, the bid opening officer shall announce that the opening of bids has been completed and that all bidders will be notified as soon as possible regarding the award.

##### 614.402-70 Waiver of public opening of bids.

Overseas posts may request waiver of the public opening of bids if that activity is inconsistent with local law or legal practice, or with post security. For that purpose, the Procurement Executive must approve a deviation in accordance with 601.470.

##### 614.404 Rejection of bids.

##### 614.404-1 Cancellation of invitations after opening.

The authority to make the determination prescribed in FAR 14.404-1(c) is delegated, without power of redelegation, to the head of the contracting activity. The head of the contracting activity shall obtain the concurrence of the Office of the Legal Adviser before making a determination pursuant to this subsection.

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##### 614.406 Mistakes in bids.

##### 614.406-3 Other mistakes disclosed before award.

The authority to make the determinations prescribed in FAR 14.406 is delegated, without power of redelegation, to the head of the contracting activity. In conformance with FAR 14.406-3(f), the head of the contracting activity shall obtain the concurrence of the Office of the Legal Adviser before making any determinations pursuant to this subsection.

##### 614.406-4 Mistakes after award.

The authority to make all determinations prescribed in FAR 14.406-4 is delegated, without power of redelegation, to the head of the contracting activity. In conformance with FAR 14.406-4(d), the head of the contracting activity shall consult with the Office of the Legal Adviser before making any determinations pursuant to this subsection.

## PART 615—CONTRACTING BY NEGOTIATION

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AUTHORITY: 40 U.S.C. 486(c); 22 U.S.C. 2658.

SOURCE: 53 FR 26168, July 11, 1988, unless otherwise noted.

### Subpart 615.1—General Requirements for Negotiation

#### 615.106 Contract clauses.

##### 615.106-1 Examination of Records clause.

See Subpart 625.9 for conditions for omission of the Examination of Records clause.

##### 615.106-70 DOSAR contract clauses.

When contracting by negotiation, the contracting officer shall insert the clauses at 652.214-70, Notices, and 652.214-71, Authorization to Perform, in all solicitations and contracts, under the same conditions prescribed in 614.201-7-70.

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### Subpart 615.4—Solicitation and Receipt of Proposals and Quotations

SOURCE: 59 FR 66758, Dec. 28, 1994, unless otherwise noted.

#### 615.403 Solicitation mailing lists.

Contracting officers shall release copies of solicitation mailing lists in accordance with FAR 14.205-5(a). However, the list of those firms which actually submitted proposals is not releasable. Requests for information other than solicitation mailing lists shall be handled by the Department's Office of Freedom of Information.

#### 615.404 Presolicitation notices and conferences.

(c)(1) The Procurement Executive has approved a class deviation from the requirements of FAR 15.404(c)(1). Approval for presolicitation conferences at one level above the contracting officer is not required.

#### 615.406 Preparing requests for proposals (RFP's) and requests for quotations (RFQ's).

##### 615.406-1 Uniform contract format.

(a) The uniform contract format shall be mandatory for all acquisitions outside the United States, its possessions, its territories, and Puerto Rico,

with the exception of those contracts listed in FAR 15.406-1(a) (1) through (8), unless a waiver is granted by the Procurement Executive. The Procurement Executive is the agency head's designee for the purposes of FAR 15.406-1(a)(7).

#### 615.413 Disclosure and use of information before award.

##### 615.413-2 Alternate II.

Contracting officers may determine to use the alternate procedures listed in FAR 15.413-2 in cases deemed appropriate. These procedures must be used when releasing proposals outside the Government for evaluation purposes.

(e) Contracting officers shall place the notice specified in FAR 15.413-2(e) on all proposals when using these alternate procedures.

(f) Release of proposals outside the Government is authorized.

(1) The Procurement Executive is the agency head's designee for the purposes of FAR 15.413-2(f)(1).

### Subpart 615.5—Unsolicited Proposals

#### 615.504 Advance guidance.

(a) The contact points for unsolicited proposals are the heads of the contracting activities.

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#### 615.506 Agency procedures.

(a) The contact points shall ensure that unsolicited proposals are controlled, evaluated, safeguarded, and disposed of in accordance with FAR Subpart 15.5.

[59 FR 66758, Dec. 28, 1994]

### Subpart 615.6—Source Selection

#### 615.604 Responsibilities.

(a) The head of the contracting activity is the agency head's designee for the purposes of FAR 15.604(a).

[59 FR 66759, Dec. 28, 1994]

#### 615.607 Disclosure of mistakes before award.

The authority to make the determination prescribed in FAR 15.607(c)(3)